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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,092	07/03/2003	Takayoshi Togino	12219/36	5806

7590 03/26/2007  
KENYON & KENYON  
Suite 700  
1500 K Street, N.W.  
Washington, DC 20005

EXAMINER
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LAVARIAS, ARNEL C

ART UNIT	PAPER NUMBER
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2872

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/612,092	<b>Applicant(s)</b> TOGINO, TAKAYOSHI	
	<b>Examiner</b> Arnel C. Lavarias	<b>Art Unit</b> 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 1/22/07, 12/11/06.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 2-10 and 25-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 11-15 and 18 is/are rejected.
- 7) ☒ Claim(s) 16, 17 and 19-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on 1/22/07 and 12/11/06 have been entered.

### ***Response to Amendment***

2. The declaration under 37 CFR 1.132 filed 1/22/07 is sufficient to overcome the rejections of Claims 1, 11-24 in Section 9 of the Office Action dated 9/19/06 based upon 35 U.S.C. 102(f). The rejections in Section 9 of the Office Action dated 9/19/06 are respectfully withdrawn.

### ***Priority***

3. Acknowledgment is now made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). In view of the declaration under 37 CFR 1.132 filed 1/22/07, applicant's claim for foreign priority is acknowledged and accepted.

***Oath/Declaration***

4. In view of the declaration under 37 CFR 1.132 filed 1/22/07, the oath or declaration is now acknowledged and accepted.

***Response to Arguments***

5. The Applicant's arguments filed 1/22/07 have been fully considered but they are not persuasive.

6. The Applicant argues that, with respect to Claim 1, as well as Claims 11-13 which depend on Claim 1, Morita et al. is not prior art against the instant application since the instant application has an effective filing date of 7/16/02, which is earlier than the 10/16/02 effective filing date of Morita et al. The Examiner respectfully disagrees. The Examiner notes that the instant application cites foreign priority to two foreign applications: JP2002-206860 (7/16/02) and JP2002-304555 (10/18/02). It has not been established that the claimed invention is fully supported by the earliest filed foreign application. Further, Applicant currently cannot rely upon the foreign priority papers to overcome the rejections in Section 11 of the Office Action dated 9/19/06 because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See also MPEP § 201.15.

7. Claims 1, 11-15, 18 are now rejected as follows.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 11-15, 18 are rejected under 35 U.S.C. 103(a) as being obvious over Morita et al. (U.S. Patent Application Publication US2003/0133191A1), of record, in view of Nakazawa et al. (JP 06-230738A), of record.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Morita et al. discloses a projection viewing system (See Figures 1-6, 14-17), comprising at least a first display device displaying a first image to be viewed by a first viewer (See for example 1R, 1L, 1Ra, 1La, viewer including 4R, 4L in Figures 1-6; Paragraph 0032); at least a first projection optical system (See for example 1R, 1L in Figures 1-6; Paragraph 0032); a diffusing plate (See for example 5 in Figures 1-6; Paragraph 0032-0033, 0035); an eyepiece optical system (See for example 3 in Figures 1-6; Paragraphs 0033, 0035); wherein the first projection optical system projects an image appearing on the first display device in a first direction toward the first viewer (See for example 1R, 1L in Figures 1, 3-4, 14, 16-17), the diffusing plate is located near to images projected through the first projection optical system (See 5, 4R, 4L in Figures 1-6), and the eyepiece optical system projects exit pupils of the first projection optical system onto a viewer side (See 3, 4R, 4L in Figures 1-6). Morita et al. additionally discloses the diffusion surface being provided on at least one surface of the eyepiece optical system (See for example Figure 8); the diffusion plate comprising a transmission type hologram (See for example Paragraph 0034, 0058); the eyepiece optical system comprising a concave mirror (See for example Paragraph 0033, 0044; Figure 9); the concave mirror comprising a Fresnel concave reflective mirror (See for example Paragraph 0033, 0044; Figure 9); light rays from the projection optical system to an exit pupil of the projection viewing system transmits the diffusing plate twice (See for example 5 in Figures 4-6), wherein the projection optical system and the diffusing plate are located such that an angle at which the light rays transmit the diffusing plate at a first time is different from an angle at which the light rays transmit the diffusing plate at a second time (See for

example 5 and incident and exiting light rays to and from 5 in Figures 4-6); the concave mirror is located such that axial chief rays from the projection optical system are obliquely incident thereon (See 5 in Figures 4-6); and the diffusing plate has a flexion action by diffraction (See Paragraph 0058, wherein the diffusing plate may be holographic). Morita et al. lacks a second display device displaying a second image to be viewed by a second viewer in a direction different from the first direction, and a second projection optical system. However, Nakazawa et al. teaches a conventional display system that utilizes multiple screen displays (See Abstract; Figure 1). In particular, Nakazawa et al. teaches a first display device displaying a first image to be viewed by a first viewer (See for example 105, 107 in Figure 1) in a first direction, and a second display device displaying a second image to be viewed by a second viewer in a direction different from the first direction (See 106, 108 in Figure 1); at least a first projection optical system and a second projection optical system (See 105, 106 in Figure 1); a diffusing plate (See 101, 103 in Figure 1); the diffusing plate being located near to images projected through the first projection optical system (See 109 in Figure 1). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a second display device display a second image to be viewed by a second viewer in a direction different from the first direction, and a second projection optical system, as taught by Nakazawa et al., in the projection viewing system of Morita et al., to allow for multiple, different images/videos to be viewed simultaneously by different observers at different locations, while preventing overlapping from occurring.

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

10. Claims 1, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trayner et al. (U.S. Patent No. 6095652) in view of Nakazawa et al.

Trayner et al. discloses a projection viewing system (See Figures 2-6), comprising at least a first display device displaying a first image to be viewed by a first viewer (See for example 1, 3 in Figures 2-3; 13a, 13b in Figures 4-6; col. 4, lines 9-21); at least a first projection optical system (See for example 1 in Figures 2-3; 13a, 13b in Figures 4-6; col. 4, lines 9-21); a diffusing plate (See for example 2, 6, 14 in Figures 2-6; col. 3, lines 29-52); an eyepiece optical system (See for example 2, 4, 5, 14 in Figures 2-6; col. 3, lines 29-52); wherein the first projection optical system projects an image appearing on the first display device in a first direction toward the first viewer (See for example Figures 3-6), the diffusing plate is located near to images projected through the first projection optical system (See 2, 6, 14 in Figures 2-6), and the eyepiece optical system projects exit pupils of the first projection optical system onto a viewer side (See 12, 12a, 12b, 15a, 15b, 16a, 16b, 17a, 17b in Figures 2-6). Trayner et al. additionally discloses the diffusion surface being provided on at least one surface of the eyepiece optical system (See for example Figure 2; col. 3, lines 29-52). Trayner et al. lacks a second display device displaying a second image to be viewed by a second viewer in a direction different from the first direction, and a second projection optical system. However, Nakazawa et al. teaches a conventional display system that utilizes multiple screen displays (See Abstract;



Figure 1). In particular, Nakazawa et al. teaches a first display device displaying a first image to be viewed by a first viewer (See for example 105, 107 in Figure 1) in a first direction, and a second display device displaying a second image to be viewed by a second viewer in a direction different from the first direction (See 106, 108 in Figure 1); at least a first projection optical system and a second projection optical system (See 105, 106 in Figure 1); a diffusing plate (See 101, 103 in Figure 1); the diffusing plate being located near to images projected through the first projection optical system (See 109 in Figure 1). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a second display device display a second image to be viewed by a second viewer in a direction different from the first direction, and a second projection optical system, as taught by Nakazawa et al., in the projection viewing system of Trayner et al., to allow for multiple, different images/videos to be viewed simultaneously by different observers at different locations, while preventing overlapping from occurring.

*Allowable Subject Matter*

11. Claims 16-17, 19-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2872

***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 9:30 AM - 6 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Arnel C. Lavarias  
Primary Examiner  
Group Art Unit 2872  
3/16/07

  
ARNEL LAVARIAS  
PRIMARY PATENT EXAMINER